Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Cuba*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the implementation of strategies for harmonizing legislation, including the Constitution and the various bodies of law, with the Convention, as well as on efforts made to avoid the use of terminology that is not reflective of the human rights model of disability embodied in the Convention (CRPD/C/CUB/1, para. 71).

2. Please explain the criteria for classifying and certifying disabilities and the criteria used in the national register of persons with disabilities (CRPD/C/CUB/1, para. 212), indicating whether such criteria are based on the human rights model of disability or on medical criteria. Please also explain whether registration processes are accessible to all persons and what types of support registered persons with disabilities are entitled to.

3. Please explain whether there is any policy that requires the State party to consult organizations of persons with disabilities when adopting legislation and policies that are inclusive of persons with disabilities and in related decision-making forums. Please describe the measures adopted to facilitate the legal registration of organizations of persons with disabilities and to promote their employment.

4. Please provide further information on the current National Plan of Action to Support Persons with Disabilities and explain how it is in line with the Convention (CRPD/C/CUB/1, paras. 74 and 81). Please describe the extent to which organizations of persons with disabilities were involved in the development and implementation of this Plan. Please explain the specific measures adopted to ensure non-discriminatory treatment of persons with disabilities and the elimination of paternalistic attitudes (CRPD/C/CUB/1, para. 347).

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

5. Please provide information on the steps that the State party envisages taking to adopt a comprehensive law prohibiting discrimination against persons with disabilities which encompasses denial of reasonable accommodation and multiple and intersectional discrimination, including protection against discrimination on the basis of two or more characteristics, for example, disability, sex, gender identity, sexual orientation, ethnic origin or other aspects such as social status and rurality.

6. Please explain how the State party ensures that the bodies and mechanisms that deal with citizens' complaints and petitions are accessible (CRPD/C/CUB/1, para. 60) and that

* Adopted by the pre-sessional working group at its nineteenth session (14 February–9 March 2018).

persons with disabilities know about the bodies that deal with complaints of alleged human rights violations (CRPD/C/CUB/1, para. 89).

Women with disabilities (art. 6)

7. Please explain how women with disabilities are included in policies, programmes and measures for promoting equality of opportunity between women and men and for recognizing, preventing and combating, in legislation and public policies, multiple and intersectional discrimination against women and girls with disabilities. Please describe the measures taken in response to the recommendations of the Committee on the Elimination of Discrimination against Women to improve the situation of women with disabilities and to establish mechanisms to monitor the impact of social and economic policies on women and girls with disabilities, including women of African descent, older women and rural women (CEDAW/C/CUB/CO/7-8, para. 37).

Children with disabilities (art. 7)

8. Please explain how the State party addresses the rights of children with disabilities in its national policies on children and adolescents, including the 2014–2018 Country Programme Action Plan, and makes available the relevant findings of studies concerning children with disabilities. Please describe the efforts made to improve the quality, transparency and accessibility of early intervention services, rehabilitation, social protection and quality inclusive education for all children with disabilities, including those who require more intensive support, in order to prevent their seclusion at home and to provide services and support to children and their families.

9. Please provide information on how the State party ensures that the views of children with disabilities are taken into account in all matters affecting them, including their participation in judicial and administrative proceedings.

Awareness-raising (art. 8)

10. Please provide details of campaigns that have been designed and launched, in conjunction with organizations of persons with disabilities, to increase public awareness of the rights of persons with disabilities to participate on an equal basis with others and of their contributions to society. Please include information on efforts made to change or eradicate attitudes and stereotypes that give rise to discrimination against persons with disabilities and on programmes designed specifically to combat multiple or intersectional discrimination.

Accessibility (art. 9)

11. Please provide information on the development and implementation of plans to ensure the accessibility of transportation, infrastructure, information and communications throughout the country, with time frames and penalties for non-compliance. Please also indicate whether such plans are drawn up in consultation with organizations of persons with disabilities. Please describe the measures adopted to address the obstacles identified in the State party's report (CRPD/C/CUB/1, para. 117).

Situations of risk and humanitarian emergencies (art. 11)

12. Please indicate whether disaster reduction plans include protocols for the care of persons with disabilities in the event of disasters and risk situations and whether organizations of persons with disabilities were involved in the development of such protocols (CRPD/C/CUB/1, para. 123).

Equal recognition before the law (art. 12)

13. Please provide information on plans to repeal laws (including the Civil Code, Criminal Code and Civil Procedure Code) and regimes that limit or remove legal capacity, such as guardianship, and to establish supported decision-making models that respect the will and preferences of the persons affected. Please explain what mechanisms are in place to enable persons with disabilities who have been declared to lack legal capacity to

challenge the actions of their guardian and to request a review of the decision as to their capacity.

Access to justice (art. 13)

14. Please provide information on the measures taken by the State party to ensure that all persons with disabilities, in particular persons with intellectual and psychosocial disabilities, have full access to justice. Please provide additional information on the procedural accommodations that have been made to ensure that persons with disabilities have effective access to justice and the capacity to act in all areas of the justice system (CRPD/C/CUB/1, paras. 141–143). Please include information about policies on training for, inter alia, judges, lawyers and law enforcement officers aimed at ensuring that persons with disabilities are able to participate effectively in legal proceedings.

Liberty and security of the person (art. 14)

15. Please provide information on any legal provisions under which persons with a real or perceived disability may be subjected to preventive security measures and/or involuntary confinement and on any measures taken to repeal or amend the Family Code, the Public Health Act and the Criminal Procedure Act, in particular.

16. Please provide information on the situation of persons with disabilities who have been involved in the commission of a crime, declared not criminally responsible and admitted to psychiatric detention centres.

17. Please detail the measures adopted to ensure that persons with disabilities who are serving sentences in detention centres have access to facilities, programmes and services on an equal basis with others (CRPD/C/CUB/1, para. 154). Please indicate what form of personal assistance is available for such persons and, where applicable, who is responsible for providing it.

Freedom from exploitation, violence and abuse (art. 16)

18. Please describe the legislative and other measures taken to combat exploitation, violence and abuse, including domestic violence against persons with disabilities (CRPD/C/CUB/1, para. 165). Please also describe the specific steps taken to ensure that instances of exploitation, violence and abuse against persons with disabilities, especially women and children, are identified, investigated and, where appropriate, prosecuted. Please include information on the legislative measures taken to explicitly prohibit corporal punishment of any kind.

19. Please provide information on hospitals with psychiatric services and residential homes where persons with disabilities continue to be held on a long-term or permanent basis, including data on the number of persons who are institutionalized, disaggregated by type of impairment, sex and age. Please also indicate whether there is an independent mechanism that monitors the human rights situation of persons with disabilities who are institutionalized.

Protecting the integrity of the person (art. 17)

20. Please provide information on the specific legislation protecting persons with disabilities from being subjected to medical experimentation or treatment without their free and informed consent, and on the measures taken to ensure that substitute decision-making is avoided in such situations. Please also specify whether accessible systems for reporting cases of non-consensual medical experimentation or treatment are in place. In addition, please provide information on the legal framework regulating the use of immobilizing equipment and physical or chemical restraints and forced treatment in psychiatric care units.

Liberty of movement and nationality (art. 18)

21. Please describe the legislative and other measures in place to ensure, in practice, that persons with disabilities enjoy the same rights in regard to liberty of movement and nationality, with particular reference to articles 23 (g) and 25 (g) of the Migration Act.

Living independently and being included in the community (art. 19)

22. Please provide information on the strategies in place in the State party to help persons with disabilities live independently and be included in the community. Please include information on specific measures taken to facilitate inclusion and participation in the community for persons with disabilities still living in hospitals, older persons with disabilities and persons with disabilities with limited financial resources and no social support network. Please also state how much public funding is allocated for such purposes.

Freedom of expression and opinion, and access to information (art. 21)

23. Please provide information on plans for ensuring access to public information and means of communication, including communication in the mass media, in augmentative and alternative modes and all other accessible formats, and on the budget allocated for that purpose.

24. Please indicate what measures have been adopted for the development and recognition of Cuban Sign Language as an official language in the State party.

Respect for home and the family (art. 23)

25. Please provide information on the steps taken to repeal the legislation that imposes restrictions on the right to marry for persons with disabilities (Family Code, art. 4). Please indicate what measures have been taken by the State party. Please also detail what specific assistance is provided to mothers and fathers with disabilities to help them in carrying out their child-rearing responsibilities.

26. Please provide information on the range of services and general support provided for children with disabilities and their families to prevent the abandonment and neglect of such children. Please include information on the number of cases of abandonment of that kind and the situation of the children concerned (CRPD/C/CUB/1, para. 403). Please describe the measures taken to give effect to the recommendations of the Committee on the Rights of the Child on the alternative care system (CRC/C/CUB/CO/2, para. 40), specifically in relation to children with disabilities.

Education (art. 24)

27. Please state what measures are being taken to ensure access to education for children with disabilities with a view to putting in place an inclusive education model, in law and in practice, in accordance with the Convention and taking into account general comment No. 4 (2016) on the right to inclusive education. Please provide information on the number of education establishments that are inclusive of and accessible to children with disabilities and that provide reasonable accommodation for such children.

Health (art. 25)

28. Please provide information on the following:

(a) The accessibility of health centres and sexual and reproductive health services throughout the country for persons with disabilities, including the availability of Cuban Sign Language interpreters and information in Braille.

(b) The measures taken to ensure, in practice, that persons with disabilities enjoy equal access to services under the free and universal health-care system, including health-related rehabilitation. Please include information on the specific services available to women and children with disabilities, including sexual and reproductive health services.

Work and employment (art. 27)

29. Please provide sex-disaggregated data on unemployment rates among persons with disabilities and among persons without disabilities. Please indicate how the average income of workers with disabilities compares with that of workers without disabilities.

30. Please describe the measures taken to ensure, in practice, that employment in special workshops serves as a means of transitioning into the open labour market (CRPD/C/CUB/1, para. 296).

Adequate standard of living and social protection (art. 28)

31. Please describe how the State party, in its efforts to ensure an adequate standard of living for all persons, addresses the specific needs of persons with disabilities, taking into account gender and age and assisting with disability-related expenses. Please explain how the current model of economic management (A/HRC/WG.6/16/CUB/1, para. 85) includes persons with disabilities and provides them with an adequate standard of living and social protection.

32. Please supply information on the availability and accessibility of clean water and sanitation facilities for persons with disabilities on an equal basis with others, in view of Sustainable Development Goal 6 on clean water and sanitation.

Participation in political and public life (art. 29)

33. Please provide information on the measures taken to promote the participation of persons with disabilities in civic and political processes. Please provide sex-disaggregated data, if available, on the number of persons with disabilities who hold public office and on the proportion of those persons who occupy positions of responsibility.

Participation in cultural life, recreation, leisure and sport (art. 30)

34. Please provide information on the measures taken by the State party to ensure that facilities used for cultural, recreational, leisure and sporting activities, and also tourism activities, are accessible to persons with disabilities, including children with disabilities. Please also indicate whether the State party has plans to adapt facilities that are not yet accessible.

35. Please provide information on any progress made towards ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

36. Please indicate what measures the State party plans to take to develop a national system of up-to-date, disaggregated statistics on persons with disabilities, based on the set of questions drawn up by the Washington Group on Disability Statistics and in accordance with the Convention.

International cooperation (art. 32)

37. Please detail how the resources obtained by the State party through international cooperation are being used to implement the Convention and how persons with disabilities and their representative organizations are contributing to the design, development and evaluation of the projects funded.

National implementation and monitoring (art. 33)

38. Please indicate whether the State party has designated one or more independent monitoring mechanisms, in accordance with article 33 (2) of the Convention. Please give details of these mechanisms.

39. Please explain how the State party has included consultation with organizations of persons with disabilities in the work of both the national monitoring mechanism and the independent mechanism. Please also describe what types of support the State party provides to such organizations to help them to perform these functions.